

115TH CONGRESS  
2D SESSION

# H. R. 5015

To direct the Administrator of the Environmental Protection Agency to take certain actions related to pesticides that may affect pollinators, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2018

Mr. BLUMENAUER (for himself, Mr. MCGOVERN, Mr. HUFFMAN, Ms. NORTON, Ms. VELÁZQUEZ, Ms. SPEIER, Mr. DEFAZIO, Ms. WASSERMAN SCHULTZ, Mrs. CAROLYN B. MALONEY of New York, Ms. MCCOLLUM, Ms. TSONGAS, Ms. SCHAKOWSKY, Ms. CLARK of Massachusetts, Mr. CONNOLLY, Mr. PASCRELL, Mr. POLIS, Mr. QUIGLEY, Mr. NADLER, Ms. SLAUGHTER, Ms. LOFGREN, Mr. MEEKS, Ms. PINGREE, Ms. LEE, Mr. ELLISON, Mrs. WATSON COLEMAN, Mr. GRIJALVA, Mr. NOLAN, Mr. LARSEN of Washington, Ms. KUSTER of New Hampshire, Mr. CARTWRIGHT, Mr. COHEN, Ms. DELAURO, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Ms. ESTY of Connecticut, and Ms. KAPTUR) introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To direct the Administrator of the Environmental Protection Agency to take certain actions related to pesticides that may affect pollinators, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Saving America’s Polli-  
5 nators Act of 2018”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Pollination services are a vital part of agri-  
4 cultural production, valued at over  
5 \$125,000,000,000 globally. According to a 2014  
6 Presidential memorandum, pollinators provide for an  
7 annual amount of \$24,000,000,000 to the economy  
8 of the United States and honeybees account for  
9 \$15,000,000,000 of such amount. Similarly, polli-  
10 nation services of native pollinators, such as bumble-  
11 bees, squash bees, and mason bees, contribute over  
12 \$3,000,000,000 to the United States agricultural  
13 economy and are estimated to contribute between  
14 \$937,000,000 and \$2,400,000,000 to the economy  
15 of California alone.

16 (2) One-third of food produced in North Amer-  
17 ica—including nearly 100 varieties of fruits and  
18 vegetables such as almonds, avocados, cranberries,  
19 and apples—depends on pollination by bees.

20 (3) Over the past several years, documented in-  
21 cidents of colony collapse disorder and other forms  
22 of excess bee mortality have been at a record high,  
23 with some beekeepers repeatedly losing 100 percent  
24 of their operations. The national honey crop re-  
25 ported in 2013 was the lowest in many decades.

1           (4) A recent national survey sponsored by the  
2           Federal Government indicates that United States  
3           beekeepers experienced a 45.2 percent annual mor-  
4           tality rate with their hives during the period begin-  
5           ning in April 2012 and ending in March 2013. Dur-  
6           ing the winter of 2013–2014, two-thirds of bee-  
7           keepers experienced loss rates greater than the es-  
8           tablished acceptable winter mortality rate.

9           (5) According to scientists at the Department  
10          of Agriculture, current losses of honeybee colonies  
11          are too high to confidently ensure the United States  
12          will be able to meet the pollination demands for agri-  
13          cultural crops.

14          (6) Native pollinators, such as bumblebees, have  
15          also suffered alarming population declines. There are  
16          currently more than 40 pollinator species federally  
17          listed as threatened or endangered, and most re-  
18          cently, the iconic monarch butterfly has declined by  
19          90 percent.

20          (7) Scientists have linked the use of a certain  
21          class of systemic insecticides, known as neonicoti-  
22          noids, to the rapid decline of pollinators and to the  
23          deterioration of pollinator health.

24          (8) Neonicotinoids cause sublethal effects, in-  
25          cluding impaired foraging and feeding behavior, dis-

1 orientation, weakened immunity, delayed larval de-  
2 velopment, and increased susceptibility to viruses,  
3 diseases, and parasites. Numerous reports also docu-  
4 ment acute, lethal effects from the application of  
5 neonicotinoids.

6 (9) Conclusions from a recent global review of  
7 the impacts of systemic pesticides, primarily neonicoti-  
8 tinoids, warn that they are causing significant dam-  
9 age to a wide range of beneficial invertebrate spe-  
10 cies, are a key factor in the decline of bees, and pose  
11 a global threat to biodiversity and ecosystem serv-  
12 ices. Another recent global review documented high  
13 levels of freshwater contamination.

14 (10) Science has demonstrated that a single  
15 corn kernel coated with a neonicotinoid is toxic  
16 enough to kill a songbird. Peer-reviewed research  
17 from the Netherlands has shown that the most se-  
18 vere bird population declines occurred in those areas  
19 where neonicotinoid pollution was highest. Starlings,  
20 tree sparrows, and swallows were among the most  
21 affected.

22 (11) In January 2013, the European Food  
23 Safety Authority determined that the most widely  
24 used neonicotinoids pose unacceptable hazards to

1 bees, prompting the European Union to suspend  
2 their use on agricultural crops.

3 (12) In June 2013, over 50,000 bumblebees  
4 were killed as a direct result of exposure to a neonic-  
5 otinoid applied to linden trees for cosmetic purposes.

6 (13) In February 2014, Eugene, Oregon, voted  
7 to ban the use of neonicotinoid pesticides on city  
8 property. Similar bans and restrictions have been  
9 enacted in Thurston County, Spokane, and Seattle,  
10 Washington, and Skagway, Alaska.

11 (14) In June 2014, a Presidential memo-  
12 randum established a Pollinator Health Task Force  
13 after identifying pollinator decline as a threat to the  
14 sustainability of food production systems, the agri-  
15 cultural economy, and the health of the environment  
16 in the United States.

17 (15) In July 2014, the United States Fish and  
18 Wildlife Service announced plans to phase out  
19 neonicotinoid pesticides in all national wildlife ref-  
20 uges across the United States by January 2016. The  
21 United States Fish and Wildlife Service recognized  
22 that the prophylactic use of neonicotinoids for agri-  
23 cultural purposes harms a wide range of nontarget  
24 species and is therefore inconsistent with the man-

1       agement policy of the United States Fish and Wild-  
2       life Service.

3               (16) In October 2014, an assessment by the  
4       Environmental Protection Agency found that neonic-  
5       otinoid seed coatings provide little benefit to overall  
6       soybean crop yield. Additional studies determined  
7       that in approximately 80 to 90 percent of row crop  
8       uses, neonicotinoid coatings are unnecessary. The  
9       prophylactic overuse of neonicotinoids violates the  
10      fundamental principles of integrated pest manage-  
11      ment.

12              (17) In November 2014, the Province of On-  
13      tario, Canada, announced the province will move to  
14      restrict the use of neonicotinoid-coated corn and soy-  
15      bean seeds because of the broad harms from their  
16      overuse, with a goal of 80 percent reduction by  
17      2017.

18              (18) In September 2015, the Circuit Court of  
19      the United States for the Ninth Circuit ruled to re-  
20      voke the Environmental Protection Agency's ap-  
21      proval for sufloxafloor—a neonicotinoid pesticide.

22              (19) In November 2016, Health Canada, the  
23      Department of the Government of Canada with re-  
24      sponsibility for national public health, proposed a  
25      ban on almost all uses of the neonicotinoid imidaclo-

1       prid, saying it is seeping into Canadian waterways  
2       at levels that can harm insects and the ecosystem.

3               (20) The President’s budget for fiscal year  
4       2018 cuts funding for pesticide review programs of  
5       the Environmental Protection Agency by 20 percent  
6       delaying reviews of new, potentially safer pesticides  
7       as well as reviews of older, more dangerous pes-  
8       ticides such as neonicotinoids.

9       **SEC. 3. URGENT REGULATORY RESPONSE FOR HONEYBEE**  
10               **AND POLLINATOR PROTECTION.**

11       (a) IN GENERAL.—Not later than 180 days after the  
12       date of the enactment of this Act, the Administrator of  
13       the Environmental Protection Agency shall suspend the  
14       registration of imidacloprid, clothianidin, thiamethoxam,  
15       dinotafuran, and any other members of the nitro group  
16       of neonicotinoid insecticides to the extent such insecticide  
17       is registered, conditionally or otherwise, under the Federal  
18       Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136  
19       et seq.) for use in seed treatment, soil application, or foliar  
20       treatment on bee-attractive plants, trees, and cereals until  
21       the Administrator has made a determination that such in-  
22       secticide will not cause unreasonable adverse effects on  
23       pollinators based on—

24               (1) an evaluation of the published and peer-re-  
25       viewed scientific evidence on whether the use or uses

1 of such neonicotinoids cause unreasonable adverse  
2 effects on pollinators, including native bees, honey-  
3 bees, birds, bats, and other species of beneficial in-  
4 sects; and

5 (2) a completed field study that meets the cri-  
6 teria required by the Administrator and evaluates  
7 residues, including residue buildup after repeated  
8 annual application, chronic low-dose exposure, cumu-  
9 lative effects of multiple chemical exposures, and any  
10 other protocol determined to be necessary by the Ad-  
11 ministrator to protect managed and native polli-  
12 nators.

13 (b) CONDITIONS ON CERTAIN PESTICIDES REG-  
14 ISTRATIONS.—Notwithstanding section 3 of the Federal  
15 Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.  
16 136a), for purposes of the protection of honeybees, other  
17 pollinators, and beneficial insects, the Administrator of  
18 the Environmental Protection Agency shall not issue any  
19 new registrations, conditional or otherwise, for any seed  
20 treatment, soil application, and foliar treatment on bee-  
21 attractive plants, trees, and cereals under such Act until  
22 the Administrator has made the determination described  
23 in subsection (a), based on an evaluation described in sub-  
24 section (a)(1) and a completed field study described in  
25 subsection (a)(2), with respect to such insecticide.



1           (c) MONITORING OF NATIVE BEES.—The Secretary  
2 of the Interior, in coordination with the Administrator of  
3 the Environmental Protection Agency, shall, for purposes  
4 of protecting and ensuring the long-term viability of native  
5 bees and other pollinators of agricultural crops, horti-  
6 cultural plants, wild plants, and other plants—

7           (1) regularly monitor the health and population  
8 status of native bees, including the status of native  
9 bees in agricultural and nonagricultural habitats and  
10 areas of ornamental plants, residential areas, and  
11 landscaped areas;

12           (2) identify the scope and likely causes of un-  
13 usual native bee mortality; and

14           (3) beginning not later than 180 days after the  
15 date of the enactment of this Act and each year  
16 thereafter, submit to Congress, and make available  
17 to the public, a report on such health and population  
18 status.

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